

**Spanish Paper
on
Gibraltar**

The Spanish Proposals
on
Gibraltar

Today, on the 18th of May 1966, complying with the invitation contained in the Resolution of the General Assembly of the United Nations of December 16th 1965, which ratifies the Consensus of the Committee of Twenty-four of October 16th 1964, the United Kingdom and Spain are ready to start negotiations on the Status and situation of the Territory of Gibraltar.

The mandate of the
United Nations.

The international mandate we are here to comply with, deals with the problem of applying to Gibraltar the principles contained in the Declaration on the granting of independence to colonial countries and peoples. This problem had been raised by Great Britain as one to be solved on the basis of self-determination for the present inhabitants of what she considers to be the Colony of Gibraltar. However, the United Nations did not admit that Gibraltar can be unilaterally decolonized by Great Britain in that manner. Instead, the United Nations have invited the Governments of Spain and Great Britain and Northern Ireland to "undertake without delay conversations in order to find, in accordance with the principles of the Charter of the United Nations, a negotiated solution, in keeping with the provisions of resolution 1.514 (XV), taking duly into account the opinions expressed by

the members of the Committee and bearing in mind the interests of the population of the territory".

Thus, the United Nations have not admitted a unilateral solution and have fundamentally recognized the existence of a serious problem between the two countries, the solution of which they entrust to a dialogue between them. In these circumstances, Spain considers that today is a date of extreme and even historical importance for our two peoples, because it enables us to attempt to solve permanently a problem that has seriously disturbed relations between Spain and England for 262 years.

A summary of this
Statement.

We must now define and analyse objectively the problem of Gibraltar.

In this analysis I wish to lay aside all pathos and emotion. In spite of the enormous importance of this question for Spain and of the very deep feelings it arouses, I wish to speak objectively and calmly, and to try and focus a clear light of understanding on this complex and often-debated subject.

I intend, firstly, to attempt to define the structure of the problem in its three main aspects - military, demographic and economic - and to describe the currents of forces affecting British interest to which they have given rise. Then, I will

explain the significance for Spain of Gibraltar and its evolution through history, and the repercussion on our country of its political, military, human and socio-economic aspects.

Next, I will refer to the grave "frontier question" raised by Gibraltar, and finally, I shall present the formula of the solution offered by Spain and some conclusions which may perhaps contain some surprises for many of you.

Although it is entirely obvious, I would like to emphasize that my colleagues and I are here to explain the Spanish points of view, clearly and honestly, and that all we ask for is to be heard with the same attention and patience with which we are ready to listen to your points of view. We hope that our statements will contain nothing offensive, because it has been our firm intention to frame them in a spirit of equanimity and friendship.

A legal title and its
limitations.

For us the Rock is above all a British military Base installed in Spain. The legal title conferring this Base is Article 10 of the Treaty of Utrecht of 1713, fully ratified in various subsequent Conventions and especially by the Treaty of Versailles of 1783.

It is necessary to point out that Great Britain lacks any other title to justify her presence in Gibraltar.

The right of conquest cannot be alleged for the Rock, as this was occupied during the War of the Spanish

Succession on behalf of a possible King of Spain - the Pretender to the Spanish Crown, Archduke Charles of Austria - by an allied force, carried by the British ships of Admiral Rooke, which was composed of German, Dutch, Irish, British and even Spanish troops under the command of the German-Austrian Landgrave of Hesse-Darmstadt; who, on occupying the Rock, acted as the representative and plenipotentiary of the Austrian Pretender, appointed Spanish authorities and later received the Archduke in triumph as King of Spain. So true is it that Gibraltar was originally involved exclusively in a conflict between Pretenders to the Spanish throne, that Queen Anne of England made a statement, published on May 1st 1705 by Lord Peterborough, in which she indicated that she was sending her forces to the Peninsula to uphold the just claim of the House of Austria to the Throne of Spain, and not to take possession of any place in the name of Her Britannic Majesty. (General Collection of Treaties, Vol.IV, p. 336)

It is evident that the only rights possessed by Great Britain in this matter are those which derive from a correct interpretation of Article 10 of the Treaty of Utrecht.

And Article 10 - I apologize for briefly repeating facts which are already well known - contains not only a statement of the rights conceded to Great Britain in respect of the Rock but also, concurrently, some limitations which may be summarized as follows:

(1) Territorial limitations

Gibraltar is ceded only in respect of the Town, Castle, port, fortifications and fortress as they were in 1704 - the date of British occupation - and there is absolutely no inclusion of other territories.

(2) Legal limitations

The cession is made "without any territorial jurisdiction".

(3) Economic limitations

All communication by land and all commerce between the Town and the surrounding territory were forbidden.

(4) Limitations based on military reasons.

For security reasons, the residence in Gibraltar of certain classes of persons was prohibited.

(5) Limitation as to its future disposal

It was stipulated that Great Britain could neither grant, sell, or otherwise alienate Gibraltar without first offering Spain the right to recover it.

All these limitations, to be found in the full text, which is still in force, of Article 10 of the Treaty of Utrecht have not only been ignored but specifically violated, and this has impaired the legal basis of the British presence on the Rock.

The anatomy of the
problem: a) The Fortress
and its expansion.

With reference to Gibraltar considered as a Military Base the violations have consisted: firstly, in the invasion of adjacent territories which had not been ceded by the Treaty of Utrecht and which still belong to the absolute sovereignty of Spain. Secondly, in the British expansion over territorial waters in the Bay of Algeciras which are equally under Spanish sovereignty. And, finally, in an aspect which touches on the very essence of the Base, as this was ceded strictly to Great Britain, in the context of a bilateral Anglo-Spanish relationship - in which some Spanish interests were or might be involved - but not in order to serve the ends of an International Organization to which Spain does not belong. And it is generally known that, de facto if not de jure, the Base of Gibraltar is now serving the purposes of NATO - an Organization in which Spanish interests are not directly involved.

b) An artificially cons-
tituted human group.

Gibraltar is also a human aggregate, and this is another aspect of the problem. Great Britain's pretension is today that the inhabitants of the Rock should decide upon its future, thus linking by the method of self-determination the territory with its inhabitants; this basically alters the original

terms of the situation, which was that of a bilateral relationship between England and Spain, but from which, however, Spain has been ousted for the benefit of a third party. But this third party is not valid because, firstly, Gibraltar is merely a military Base and a Base can only belong, either to the country that occupies it or to the country in whose territory it stands. Anything else would be as absurd as, for instance, to maintain that the American Base at Guantánamo, in Cuba, should stop being American, without reverting to Cuba either, but should have its fate decided by an alleged population residing there. Hong Kong presents a similar, though not formally identical situation. The Observer expressed the opinion, on July 10th 1949, that there could be no question of preparing the island for independence, as Hong Kong should either continue being British, or else revert to China.

Secondly, there is no real or profound link between the inhabitants of Gibraltar and the territory, because, apart from the fact that the authentic population of the Rock was obliged to abandon it by reason of the military occupation, the later inhabitants are a product of a British political operation aimed at successively fabricating and refabricating the so-called population with ethnical groups uprooted from their original countries; they are inhabitants without any real political identity of their own or any real autonomy as such, and they constitute

a demographic group which is entirely subsidiary to a Base enclosed in a territory of two square miles, almost all of it a military zone and Crown property. How can this group be considered a true population capable of political self-determination and with a right to dispose of a territory which belongs to it neither historically nor legally?

The London Times of January 4th 1946 frankly pointed out these characteristics when it said the following about the inhabitants of the Rock:

"A people which gains its livelihood largely by importing a commodity and selling it to someone who is on the spot or who comes to fetch it, be it tons of coal or a packet of cigarettes and a bottle of beer to a soldier, or sailor, has not hitherto developed racial or national characteristics as do tillers of the soil or fishers of the sea."

c) An economy based on
smuggling

Thirdly, the problem of Gibraltar consists of an economy which sprang up under the shadow of a British military force planted on Spanish soil, and which in itself is inevitably bound to raise problems, for there can be no normal economy in a military Base with a small area and which has no resources of its own, no agriculture or industry and whose trade is

principally contraband. W. C. Atkinson (Fortnightly Review February 1951 page 90) wrote with sincerity:

"As for smuggling, there has never been any attempt on the English side to conceal that for long this was the chief industry of the Rock's inhabitants, including the garrison."

The objective description we have given is the true anatomy of the problem of Gibraltar, a military Base with an essentially unsound legal foundation, an artificial population without any genuine autonomy, and an economy partly sustained by unnatural and illegal means; all of which reveals the importance of the question of Gibraltar and the urgent need for a solution.

Dynamics of the
problem.

These three aspects of the question - the Base, the inhabitants and the economy - have produced a set of vital problems and an interplay of British and Spanish interests that lie at the very root of the question which brings us here today, at the request of the United Nations.

a) A Fortress transformed
into a Base

Firstly, Gibraltar has experienced a profound evolution through history. In 1713 Spain ceded a fortress

from which some guns with a limited range merely defended a British Base of great strategic importance which was destined one day to become a key point in the communications of the British Empire; but the great political and technical changes of our times - which have seen Empires disappear, brought forth new alliances and World Wars and created new nations, and above all transformed every aspect of the old military art and the principles of strategy - have also radically changed the nature of Gibraltar as a Base.

With this background of strategic change, the Rock was bound to play its part in vast alliances and it became a pivot for collective military operations on a world scale. Its purely relative value then became even more evident, that is to say, the indissoluble relationship between Gibraltar and its natural geographical environment, namely, Spain.

Military efficiency de-
pendent on Spain.

The II World War laid bare the essential problem of Gibraltar, without any possible euphemism or insincerity. It could be seen sharply and clearly. The statesmen and soldiers of Great Britain and her allies realized that a hostile attitude on the part of Spain could nullify this Rock, which was indispensable to the whole allied military machine, and that the

results might be catastrophic. Indeed, during those sombre days of 1940 when the greater part of Continental Europe was in enemy hands, Gibraltar became, in the words of Field Marshall Lord Alanbrooke, Chief of the Imperial General Staff, "... the sole remaining foothold in Europe".

Thanks to Spanish neutrality and Spain's diplomatic resistance to the Axis powers, this foothold of Gibraltar was fully efficient as a key piece of the Allied war strategy; and, as General Eisenhower wrote in his Memoirs, "made possible the invasion of northwest Africa", a decisive Allied military operation of which he said: "If the Spaniards should take hostile action against us immediately upon the beginning of landing operations, it would be practically impossible to secure any land-based fighter craft for use in northern Africa ... and would prevent our use of the Strait of Gibraltar".

This operation was carried out, as Sir Arthur Bryant reminds us, "with nothing to protect its flank and rear but the Rock of Gibraltar and its minute airstrip".

This was the most severe and crippling blow inflicted on the enemies of Great Britain, as Sir Ivone Kirkpatrick - who was Permanent Under-Secretary of the Foreign Office and in the confidence of Mr. Ernest Bevin - states in his Memoirs, "The Inner Circle" (MacMillan & Co. London 1959), when he tells of his interview with Goering in the Nuremberg prison and

gives us the German marshall's opinion on Hitler's terrible handicap in not having at his disposal Spain and Gibraltar to prevent the later Allied penetration of Africa. The fact is that Gibraltar had had a free hand thanks to Spanish neutrality, which enabled it to develop its full potential as a military Base. Sir Anthony Eden referred to such a problem many years later when he said in the House of Commons on July 29th 1954 that in the modern world nations "do not want foreign troops on their territory" and that what is needed is "a Base that works, and not a beleaguered garrison".

a) Authoritative
opinions

The many testimonies to the fact that Gibraltar was able to function thanks to Spain and Spanish neutrality, which we find in the words or works of men like Winston Churchill and Franklin Roosevelt, are an irrefutable proof that the problem of Gibraltar as a viable Base exists and cannot be solved without Spain.

This fact must have been gloomily impressed on the mind of the Governor of the Rock. When General Marshall visited Gibraltar with Mr. Churchill during the II World War, there occurred an incident that the veteran British statesman described later in his Memoirs with his usual eloquence. I apologize for the length of this quotation which I think is worth while :

"We did not leave Gibraltar for Algiers until the following afternoon. There was therefore an opportunity to show General Marshall the Rock, and we all made a few hours'

pilgrimage, and inspected the new distillery which assures the fortress a permanent supply of fresh water, and various important guns, some hospitals, and a large number of troops. I finally went below to see the Governor's special pet, the new Rock gallery, cut deep into the rock, with its battery of eight quick-firing guns commanding the isthmus and the neutral ground between Britain and Spain. An immense amount of work had been put into this, and it certainly seemed, as we walked along it, that whatever perils Gibraltar might have to fear, attack from the mainland was no longer one of them. The Governor's pride in his achievement was shared by his British visitors. It was not until we said good-bye upon the flying-boat that General Marshall somewhat hesitatingly observed, "I admired your gallery, but we had one like it at Corregidor. The Japanese fired their artillery at the rock several hundred feet above it, and in two or three days blocked it off with an immense bank of rubble." (Winston Churchill's *Memoirs, The Hinge of Destiny* Chap. XL.)

The War, in fact, provided supreme evidence that the Rock was in the very centre of a total revolution in the conception of military Bases in foreign lands; because today we can no longer imagine a Base isolated from the geo-political environment around it, or indifferent to the neighbouring territory. Only by the friendship and cooperation of the adjoining country, and by understanding that its daily efficiency depends on that country's

goodwill, can a Base in foreign lands be of any use. The old idea of a military Base installed by a unilateral decision, and isolated like a "ghetto", has given way to the idea of zones of bilateral and multilateral cooperation, and of great strategic spaces shared by common consent and agreement in the service of common objectives.

Behind this doctrine there is a specific reality which lies at the end of Gibraltar's long historical evolution: that Gibraltar can only be used with full efficiency if it can rely on Spanish cooperation. The fact that Gibraltar has in practice been attached to NATO objectives in recent days, gives a greater emphasis to this truth.

b) Contradictory
interests.

In so far as the second aspect is concerned, the inhabitants of Gibraltar have also become a problematic factor. At present, this human group is creating some urgent problems for Great Britain, and is demanding the solution of difficulties that arise inevitably from its having been artificially planted on the Rock and from the equally artificial character of its way of livelihood, economy, etc. It is evident that these inhabitants, whose necessary environment lies beyond the Rock, so that many of them have fixed their residence and commercial activities on Spanish soil; and whose economic life is bound up intimately

with the economy of the neighbouring region, cannot be reconciled to any restrictions that may be applied by Spain, even if these consist merely in the strict application of her current Laws.

It must be remembered that the way of life of a great number of the inhabitants has been based up to the present on the benevolent interpretation by Spain of the articles of the Treaty of Utrecht.

The Spanish Government understands that all this constitutes a problem for Great Britain because, without any doubt, it will be very difficult and expensive to protect their interests. But we cannot admit that this protection should be effected at the expense of Spanish interests.

c) The crisis of Gibraltar's
economy.

Finally, there is the economy of Gibraltar, the port of Gibraltar, and a Gibraltarian commerce that have also historically evolved. They would have evolved legitimately if the limitations to which Gibraltar was subjected by the Treaty of Utrecht and by Spanish laws, had been modified by an agreement between England and Spain. This did not take place and an illegal commerce was resorted to. At present this Gibraltarian economy is in danger of paralysis, and consequently requires Great Britain to undertake a complete revision of its structure.

d) The "proud Fortress" a
thorn in Spanish flesh.

The currents of forces we have described lead up to

a fact which should not be ignored merely because it touches on a question of sentiment. Gibraltar is not only a Base with its attendant difficulties, but also a symbol for Great Britain: "The Proud Fortress", symbolic of British power and of her glorious naval and military traditions. We realize this and we understand that in raising this question we are touching a sensitive and painful area. For this reason we believe that we ought to arrive at an agreement by which neither of the two nations should feel humiliated or resentful. For it is necessary to understand that, for Spain, Gibraltar has also been a symbol: of a series of iniquities and affronts; there is the memory of the way in which it was taken from us, the humiliations we have suffered, the intolerable political military and economic servitude that were imposed on us in times of national prostration. Such memories are lasting. It is the only foreign colony in a European nation. One can speak about Gibraltar in the words used recently by the eminent British historian Arnold Toynbee:

" Gibraltar? It is a thorn in Spain's flesh. Would the British people like to see a Russian or Chinese fortress at Land's End or in the Channel Islands?"

Up till now we have described a series of problems created by the historical evolution of the Rock of Gibraltar and the play of forces which has taken place around it, problems which affect the interests of Great Britain, and which condition radically the viability of Gibraltar as a military Base, as a

human aggregate and as an economy.

But for Spain also the passing of the years has made Gibraltar into a focus of very serious wrongs, a centre of pernicious influence on the neighbouring regions and a place of friction and discord; in short, a disturbing and negative element in Anglo-Spanish relations. It is permissible to ask if the English people fully understand this reality, which will probably surprise many who are not acquainted with its various aspects.

Consequences for Spain

a) Violation of territorial integrity

For Spaniards, Gibraltar remains fundamentally a foreign Base on national territory, a foreign body in our own organism, serving alien interests that often clash with those of Spain. It represents the amputation of our territory, a break in the continuity of our coasts, a sort of military wedge and obstacle in the communications between two seas and the relations between two continents. Gibraltar is situated in one of the vital parts of Spanish geography, and it has always deeply troubled the people of Spain who over the centuries have sought to retain it, or recover it if it was in alien hands. So true is this, that in one of the most important clauses in the political testament of Queen Isabella, at a historical moment when both the idea and the national unity of Spain had crystallized, she commanded

her descendants to retain Gibraltar inflexibly and forbade them ever to give away or dispose of it.

b) Spain interfered with.

For Spain Gibraltar is not only a territorial amputation. It has produced a constant interference in Spanish affairs, both in her home politics and foreign policies. It has interfered, firstly in Spain's own defensive system, sometimes demanding the dismantlement of neighbouring military installations, as when in 1810 -with the excuse that they should be prevented from falling into French hands - the Governor of Gibraltar, General Campbell, levelled the Spanish forts of San Felipe and Santa Barbara that protected the neighbouring town of La Linea from the Fortress of Gibraltar. The war with France ended but Great Britain continued to oppose the rebuilding of the Forts. Nearly a century later - in 1898, when Spain was fighting an ill-matched war with the United States and passing through a serious and difficult time in her history; when she had lost her overseas provinces, at perhaps her weakest moment - Great Britain once again insisted on Spanish disarmament, objecting to the installation of artillery in the neighbouring Spanish zone of the Bay of Algeciras. (Diplomatic notes from August 9 to December 9th of 1898). Spain was alone at that critical moment of her history, as alone as England in 1940.

Behind this specific British action we may perceive

Britain's permanent desire to establish round Gibraltar a military neutralized zone, subject to the influence of the Rock and even to a possible occupation. The British Press towards the end of the 19th century and commencement of the 20th often admitted this objective (The Times, 4-XII-1899. Daily Telegraph, 29-III-1901, The Sun, 13-II-1901) and in the House of Commons a Member, Mr. Gibson Bowles on June 13th 1901 quoted the opinion of the Military experts in the same sense. This British preoccupation was so vivid that in 1905 the then Foreign Secretary Lord Landsdowne suggested to the Spanish Minister in London, Marqués de Villaurrutia, that both countries should reach an agreement by which Spain should guarantee Great Britain the possession of Gibraltar in exchange for a guarantee given by Great Britain of Spain's possession of the Balearic Islands, a concept which from the point of view of the dignity and unity of the Spanish Nation was tantamount to guaranteeing us the possession of the Province of Madrid (Marqués de Villaurrutia, "Palique Diplomático" page 137). The Ex-Governor of Gibraltar General Sir Charles Harrington on February 13th, 1939, explained to the Royal Empire Society, with perhaps excessive sincerity, this constant British pretension:

"It is the area round Gibraltar which is of more importance in view of the range of modern guns. I would like to see the neutral ground between us and Spain, now some 300 yards, extended to an arc of some 25 miles from Tarifa via Castellar to the Mediterranean to make both Gibraltar and the Royal Calpe Hunt safe."

And even in the Teheran conference in November 1943 where the Allies discussed the gravest military and political problems of the Second World War, the question of Gibraltar was touched upon, and the possibility of broadening the Gibraltar territory was discussed, as André Fontaine reports in his "Histoire de la Guerre Froide". (Fayard, Paris 1966, page, 222).

This interference carried out from the Rock in such a fundamental question as Spain's own defences was even to affect our foreign policy. The British Government, for instance in the middle of last century, intervened in our North African policy, attempting to condition and limit the Spanish Government's decisions for the defence of its interests in that region, with the argument that those decisions would endanger the security of the Fortress of Gibraltar.

c) Gratuitous risk
for Spain and the
diplomatic reaction

Lastly, as a military base, Gibraltar implies a constant danger to Spain. The Rock has undergone many historical changes, from its days as one more British fortress in the 18th century, down to the present day when it has become a place of international military cooperation in which we do not share; and these changes have turned it into a hazard for the whole national territory of Spain, which Spain endures gratuitously. If the

Gibraltar Base caused Spain to suffer loss of lives and property on the occasion of the second World War - a war of conventional weapons-, and if even in times of peace Spain has received damage during manoeuvres and military concentrations on the adjoining Rock, it is easy to imagine what Spaniards may have to fear from the Base in a nuclear war. And while Spain is prepared to accept risks of that kind on account of alliances in which Spanish interests are served, she is not prepared to do the same for the benefit of interests or alliances that are foreign to her, least of all when the prospects of a modern war may turn Gibraltar into a sure objective for nuclear weapons.

Gibraltar and

NATO

The practical attachment of Gibraltar to the service of NATO has increased the dangers, and further still, the accusing finger of an entire military bloc which rivals that of NATO has heightened that danger, by suggesting at the United Nations that, in not purely and simply demanding the elimination of the Gibraltar Base, Spain was voluntarily assuming the risks which the Base implies.

The Spanish Government, aware of this new and sombre menace hanging over all of Spain, has found itself obliged to declare in unmistakable terms that as far as we are concerned Gibraltar is not a base in the service of NATO. As a result, on

January 20th 1966 all the members of the Atlantic Alliance, except Great Britain, were sent a Note in which, after declaring that the status of Gibraltar - which is at the present moment under discussion - had been bilaterally laid down by Spain and Great Britain, our country could not regard Gibraltar as a Base in the service of the Atlantic Alliance, and was accordingly not prepared to grant the facilities depending on this country for its use by the members of that Alliance. Spain moreover indicated that she viewed with the greatest reserve any military, naval or air exercises and operations, that might be carried out with support at Gibraltar and in which a part was played by countries other than Great Britain.

We are aware that this Spanish reaction, imposed by the real circumstances of the Gibraltar problem, was fully discussed at the NATO Council. The individual replies that Spain has been receiving have been on the whole positive towards my country's thesis.

The Soviet affirmation that Gibraltar is being used in a massive degree by NATO, that is, by Great Britain's allies, was no fantasy, and the decision which led Spain to send the Atlantic Alliance countries the Note of January 20th was thus fully justified.

In the first place, the British Government not only makes use of Gibraltar waters that do not belong to her, but also uses for military purposes the airport built in a zone of Spanish

territory which was never ceded, which is occupied by Great Britain without any title whatsoever, and which, in view of its neutral character, should never have been made to serve military purposes. And that use of it, in addition to violating our sovereignty, frequently violates an air space which is also Spanish.

The massive use of
Spanish air space.

In order to use that airport, England applies to Spain for overflight authorizations in respect of military aircraft proceeding from the British Isles, with a frequency which is reflected in the following facts: From November 23rd 1965 down to May 5th 1966, that is, in less than half a year, the British Embassy in Madrid has requested the Spanish Government, in 61 Notes Verbales, to authorize 274 overflights by machines of the Royal Air Force in our air space, and all these authorizations were granted.

But it is not only the British Armed Forces that have made use of the Gibraltar military facilities. From January 1st 1966 down to the sending of the Note mentioned, the Gibraltar airport was used by about twenty military aircraft of the United States, and from January 20th to the beginning of May by only twelve. The rate of arrival of American aircraft at Gibraltar has fallen roughly from one a day to one a week. Fourteen aircraft

of the Royal Canadian Air Force operated from the Rock through February 22 to 26, on February 28 and March 27; that is to say after the Ottawa Government had received the Spanish Note of January 20th 1966 which explained our position in respect of a Gibraltar placed at the service of an Organization to which Spain does not belong. One French military aircraft, on January 21st 1966, and two Dutch aircraft on January 28th last, also wished to use it, with previous Spanish authorization, but these applications had to be replied to negatively, in terms of the arguments set forth in the Note of January 20th already mentioned.

Navies of countries other than Great Britain also use Gibraltar, which has been called at, in the course of the present year, by warships of the United States, Germany, Norway, Italy and other NATO countries which, like Holland, make the Rock a port of call for their fleets when operating or holding exercises in the Mediterranean.

The Governments of all these countries are now perfectly well aware of Spain's view regarding this mass use of the Gibraltar base. Hence it should have caused no surprise when the Spanish Government, on January 24th this year, refused to grant facilities for operating in Spanish waters to the Italian ship "Maria Paolina G", in the service of NATO at the Base of La Spezia: or when Spain did not facilitate, on February 22nd, the telegraph and telephone link-ups to connect Gibraltar

with the bases of Brest and Montijo (Lisbon) during the naval exercises of the Atlantic Alliance that were held in Portuguese waters during last March.

No matter in what way it may be sought to disguise Gibraltar's connexion with the Atlantic Organization, the fact remains that it exists, as is proved by the presence, on the Rock, of the Headquarters of the Admiral Commanding the Gibraltar-Mediterranean zone, dependent on the Malta Command, and a permanent liaison officer of the United States of America.

This connexion, moreover, was carefully explained by the Minister of Her Britannic Majesty's Embassy in Madrid to the Spanish Ministry of Foreign Affairs, as is recorded on pages 69 to 73 of the Spanish Red Book (English edition), when he sought to show that if England remained at Gibraltar it was on account of her obligations for collective defence in view of the Soviet menace.

The Soviet Union is right in saying that the Rock is linked to the Atlantic Alliance. It is wrong when insinuating that this connexion takes place with Spain's tacit or explicit consent. So opposed is Spain to the use of the Rock for purposes other than those which justified its cession in other times, that she also formally objects to the provisioning which is periodically carried out at Gibraltar by the Russian whaling fleet, some of whose ships, in view of the instruments they are equipped with,

can scarcely be regarded as ordinary vessels engaged in a peaceful commercial pursuit.

Spanish deference towards

Britain. A frank notification.

These circumstances which have been briefly set forth made it advisable for the Spanish Government to apply, with gradually increasing intensity, the measures that were becoming necessary in order to reduce to the greatest possible extent the dangers involved in the present military situation of the Rock. If that step has not yet been taken, the sole reason for withholding it is a desire to assist the Anglo-Spanish conversations which are now opening, and which Spain has tried to envelop in an atmosphere of good will and harmony, even at the risk of postponing any possible defence against the hazards described. Spain hopes that this token of good will may be appreciated at its true value by the British Government, which the Spanish Ambassador in London informed, on April 20th, of the reasons why, in the interest of Anglo-Spanish understanding, Great Britain had not been sent a Note similar to those sent to the other members of the NATO.

On receiving for the first time Her Britannic Majesty's present Ambassador in Madrid on the same day of April 20th, I also had occasion to inform him that since receiving on February 14th the British acceptance of the holding of the

conversations that we commence today, Spain had abstained from adopting any fresh measure that could be interpreted, directly or indirectly, as aimed against Gibraltar. The revision of our European military policy, largely forced on us by the new Gibraltar situation, involved, among other things, refusal of authorization for British overflights of our air space, a measure which, if adopted, would mainly affect British military aircraft bound for Gibraltar.

As we sit down now at the table, I think it my duty as an honourable negotiator to make it perfectly clear that as Spain does not accept the militarization carried out by Great Britain in the southern part of the former neutral ground, she not only is under no obligation to grant permits for overflights bound for the Rock, but unless she wishes her silence to be taken as tacit consent, she must also oppose the use of that airport by military aircraft.

If that reason were not enough, the dangers which the present military significance of Gibraltar involves for my country would make it advisable for the Spanish Government to refuse authorizations for overflights by British Gibraltar-bound planes, as it has refused them to aircraft of other NATO countries.

Only an Anglo-Spanish agreement on Gibraltar can justify Spain's not putting these measures into effect in the shortest possible space of time, as the Spanish Government has in view. If I have succeeded in making you understand clearly the spirit in which we are describing the problem of Gibraltar as we are so

doing, I think you will also easily understand that the measures I have mentioned in all honesty are aimed only at protecting legitimate Spanish interests and re-establishing the rightful and legal situation.

The consequences for

a region of Spain:

- a) Military "glacis"
and economic void.

But besides all these detriments caused by the Military Base and its activity, Gibraltar has made a great void around itself. This began with the actual demographic void on the Rock, which owing to the forced exodus of its original Spanish population, declined from the 6.000 inhabitants it had before the occupation, to only 900 in 1721, seventeen years later, and to 2.890 in 1791, almost a century later -a period in which it had not even succeeded in reaching half the population it possessed in the Spanish period. This brought about the mutilation of a Spanish population complex which formerly had its centre in Gibraltar and was thus profoundly altered.

Side by side with the void on the Rock, inhabited almost solely by the garrison, a void came into being in the neighbouring zone of Spain, not perhaps strictly demographic, but certainly in respect of economic life and development. The warfare at the foot of the Rock, the sieges and blockades,

the British disarmament exactions, in short the military reality, which created an area of distrust, anxiety, alarms and external interferences, prevented a normal development of the district and maintained it in the situation of a real devitalized military "glacis".

From these two voids, an authentic colonial situation was to arise; but not in the sense that might normally be given to that expression; in other words, not a colonial situation which was confined to the Rock and to which it is now necessary to put an end, but a real colonialism exercised outside the Rock and upon a zone of Spain and its inhabitants. The process that led to this was as follows:

b) Demography and
smuggling

First of all, Great Britain needed to fill her own demographic void on the Rock. It was indispensable to procure a civilian support for the almost solitary garrison, and this - as was outlined when the problem of Gibraltar was briefly sketched - was achieved through a constant intake of ethnical groups which generally came from countries not yet constituted into national States. These groups, suddenly cut off from their traditional human background, and coming from the most widely varying places, were marked by instability and lack of roots. The 19th-century epidemics almost wiped out this group of people several

times, and Great Britain, several times also, hastened to reconstruct it through mass operations of importing and recruiting people from those parts of the Mediterranean where the chance of doing good business on the Rock, -or else, for instance, of escaping the military levies in the times of the Napoleonic wars, - formed enticing incentives to go to Gibraltar.

The statistics for population and professions at Gibraltar in 1834 already show the curious nature of this group so artificially formed, for the prevailing occupations among these improvised inhabitants are those of commercial agents, exchange agents, sellers of tobacco and wine, tavern-keepers and the like. And in the 1860 census, out of the 12,679 inhabitants of Gibraltar, 132 are given as Government officials, 1,978 as traders, 5,565 as miscellaneous employments, and 4,994 as unemployed; in other words, more than 10,000 inhabitants had no clearly justified occupation.

The Report which the Governor of Gibraltar himself, Sir Robert Gardiner, drew up for Lord Palmerston on the inhabitants of the Rock and their growth, contains a sincere analysis of this demographic phenomenon which was to have so many consequences for the future of Gibraltar:

"The excess of population has its rise in the increase of smuggling; aliens having flocked to the Fortress in vast numbers to pursue that trade, since it was made a Colony."

Later, he adds:

"If such promised to be the result, it is still a question

for the Imperial Government to decide, whether the general interests of England, and of the fair British trader, should be sacrificed to promote those of the persons who, for the most part, have but a footing here, to pass contraband goods into Spain."

This aggregate of people, assembled throughout the years in a way so opposed to the normal biological increase of natural populations, has been brought in and taken out again by Great Britain whenever necessary, and the last time it occurred was the great exodus of the Second World War - when there were some 18,000 Gibraltarians resident on the Rock -, to which Lord Merrivale referred in his recent speech of March 9th 1966, when he stated:

"In 1940, 16,700 men over 45, women and children were evacuated to this country from Gibraltar, and by 1951 repatriation was complete for all those Gibraltarians who had homes to go back to."

c) A non-viable political organization.

Naturally enough, this collective group had never possessed a political being of its own, nor had Great Britain attached any political importance or standing to its components. This could not have been otherwise, in view of the character, essentially subsidiary to the military base, which it has possessed. Its basic

nature has been clearly recognized by W.A. Ebsworth in a study on Gibraltar and its problems published in "The Quarterly Review" for April 1951 (Vol. 289, No. 588), in which he states:

"The relationships between the Services and civilians is of unusual importance in so small a community, and everything possible must always be done to improve it. Each party depends on the other. Although the Services say emphatically that there are too many civilians in Gibraltar, few would go so far as to contend that there should be none at all; while for the civilians, their very existence depends on the Services. If there were no garrison Gibraltar would not remain a British Colony for long, and if once the frontier with Spain were to disappear, its trade would dwindle to nothing."

The characteristics of a necessary political dependence and real lack of autonomy was also brought out in the article as follows:

"Politically Gibraltar has developed slowly, and it is natural that this should be the case. From time to time the local Press will protest that government in the Fortress is not democratic. Of course it is not democratic in the accepted way in which a modern State is democratic! A fortress must be ruled with authority, and to talk about 'a democratic fortress' is a contradiction in terms. If we refer to the history of Gibraltar we remind ourselves that it is not, like other colonies, a civilian settlement in which

military authority rightly keeps in the background, but it is a military fortress into which a civilian community has made its way because catering for the needs of the garrison and trading under its protection are lucrative propositions."

d) Gibraltar has no
labour force of its
own.

A human group which has not even been able to constitute a solid, rooted population with permanent interests, or an essentially autonomous political entity, was also incapable of creating its own labour force. This incapacity is bound up with the situation and has become typical, even nowadays, for the inhabitants of the Rock, of whom a British daily, the Manchester Guardian of May 11th 1950, said: "The Gibraltarian has an innate objection to manual work, preferring the 'white collar' or the 'white apron.' "

At that time also, a labour population had to be imported. After an effort to provide one by the use of convicts had failed, it had to be looked for in Spain, because Spain is Gibraltar's natural space. The Rock became an absorption-point for labour, not only from the immediate vicinity but also from the provinces of southern Spain. English recruiting agents operated at great distances from the Rock, and even in our own

days, in 1945, a British Consul at Cádiz caused an incident when he had advertisements offering work in Gibraltar published. Throughout long periods of time, this absorption went on attracting into the zone of the Campo groups of persons uprooted from the regions of their birth, who approached the Rock in the hope of getting jobs there. This created a real colonial situation, since the Campo de Gibraltar was becoming peopled with workers who depended on employers across the frontier, and it was these employers who dictated the conditions of work. In turn, as almost the sole activity of the Rock's inhabitants was illicit trade over this zone, it did much to deprive the region of sound economic business, by keeping it in a condition as closely as possible resembling that of a mere labour pool at Gibraltar's disposal.

The development of works and installations on the Rock gradually increased the number of Spanish workers, and at the end of the 19th century the figure rose rapidly from about 2,500 or 3,000 to 6,500 or 7,000 when the great harbour works of the town and the installations of the modern Base were carried out, and above all, when the tunnels that perforate the Rock were under construction. These were also the years of economic depression in Spain - even those when Spanish defence works in the zone were paralysed by British imposition -, and labour resorted rapidly and in mass to Gibraltar, which thus had at its disposal

an entire region which served it as a veritable colony. The other great increase of the Spanish labour force occurred with the second World War, when the workers that went in from Spain every day reached 13,000. As we have seen, the vast majority - 16.700 - of the 18,000 resident Gibraltarians were evacuated, and thus the Spaniards, during those years, were the real population of the Rock, where they kept up its entire working activity under the difficulties and risks inherent in a war, and made a decisive contribution to British interests at that time.

e) Colonial exploitation
of the workers.

This labour force, the real muscle of Gibraltar's life, has worked under a regime for which "colonial" is the only fitting word. Wages have been fixed at caprice, the working hours have reached 90 and more a week, holiday periods did not exist, social insurance and family care have been ignored and when the first trade unions were set up in Gibraltar, the Spanish workers were forbidden to belong to them on equal terms, so that even union protection was denied. There were periods when part of their wages was paid in kind, and when that was no longer possible, a system was used by which a portion of the workers' wages consisted purely and simply of goods for smuggling into Spain. And when the Spanish Government,

for elementary reasons of economic protection and dignity, imposed restrictions on this illicit traffic, protests arose in the British press (letter from Lt. - Gen. Martin to the Daily Telegraph, 26 August 1954) and even in the British Parliament a debate was staged on February 13th 1956, in which the hon. Member Kenneth Robinson criticized a series of measures taken by Spain, one of which, to his apparent surprise and displeasure, was that "the Spanish workers can no longer take goods out of Gibraltar as they used to do before", and that that they were "moreover forced to change part of their wages, I think the greater part, on the frontier at the official rate," which the speaker considered "much less favourable to them than the rate they can get at any tobacconist's in Gibraltar, for I understand that all tobacco shops in Gibraltar are also unofficial moneychanging offices."

But the Spanish workers, the real active population of Gibraltar, have never been able to reside in Gibraltar because the British laws forbid it. Every day they have had to go back across the border from the territory where they left the results of their daily effort. They are the exiles of Gibraltar, the historical pariahs of the town, who have had no voice in the affairs of Gibraltar; they are truly the "other" Gibraltar population, whom nobody mentions, of whom nothing is said when the future of the Rock is discussed, but who are there just the same; and the daily life of Gibraltar, at least nowadays,

depends upon them. Behind them, in the adjacent Spanish zone, are their families, forming a demographic group of as many as forty or fifty thousand, upon whom, I repeat, a real colonialism has operated.

These facts make it quite clear that in face of the vacuum created by the military presence of Great Britain on the Rock, a demographic reality has arisen -inhabitants of the Town, Spanish workers and families of the Campo- upon which a colonial situation has operated and which calls for consideration at the moment of examining the problem of Gibraltar and its future.

f) Prosperity at
Spain's expense.

Lastly, Gibraltar is a permanent source of economic harm to Spain. Since its activities rest upon the abnormal demographic situation which has just been analysed, the Gibraltar economy was necessarily bound to operate through illegal channels. Thus Gibraltar has been a veritable cancer applied to a part of Spain's flesh, operating as it does fundamentally through contraband.

This assertion is proved by a mass of Spanish and British documents, to which reference is made in the recent Spanish "Red Book". An ample British bibliography, too, has accumulated in the course of the years with books such as Captain

F. Sayer's "History of Gibraltar" (Chapman and Hall, London 1865); G. T. Garratt's "Gibraltar and the Mediterranean" (Jonathan Cape, London 1939); J. Howe's "The Gibralterian, the origin and development of the population of Gibraltar from 1704", published in 1951; and others. A passage from the last-named work is exceptionally telling:

"There has been and probably always will be smuggling from Gibraltar. Anyone, local or English, who could say he or she had never broken a revenue regulation deserves a halo!"

g) Smuggling as a
weapon in commercial
policy.

Already the Report sent to Lord Palmerston by Sir Robert Gardiner, Governor of Gibraltar, and published in 1856, examined the problem of smuggling and touched on a vital point for Spain in this illicit trade. Gardiner wrote:

"We believe that Spain could beneficially lower her tariff to a scale that would render smuggling unprofitable. But Spain cannot do that yet."

And he concluded thus:

"If we desire to see Spain lower her tariff, we cannot take surer steps to induce her to do so, than by suppressing smuggling at Gibraltar, and leaving to Spain

the time of her own commercial regeneration."

It follows clearly enough from this consideration of the problem that smuggling was in fact a commercial weapon against Spain. This appears to have been the view of the British Government when on June 3rd 1882, in a Note signed by the Minister Plenipotentiary of Great Britain and sent to the Spanish Minister of State, no less a proposal was made than that the two Governments should negotiate a commercial treaty in which Spain would offer Great Britain most-favoured-nation treatment, and Great Britain would undertake to suppress smuggling at Gibraltar in return.

Smuggling has in effect had that character throughout the 19th century and in the 20th to the present day. The Spanish "Red Book" gives figures for recent years in which smuggling based on the Rock amounted, as we said to a real economic cancer for Spain. By sea alone this illicit traffic in 1959 reached the figure of 1,794 million pesetas, and it was carried on from the Rock, in that year, by 299 sorties of smuggling launches. Though Spanish repression gradually reduced these figures in the following years, in 1961 seaborne contraband still totalled 840 million, with 140 sorties, that is, an average of roughly eleven sorties a month. The Spanish Minister of Information and Tourism has stated publicly that the sum total of the losses caused by Gibraltar smuggling to the Spanish State in the years from

1961 to 1965 attained the figure of twelve million pounds sterling. We shall get a clear idea of the volume of clandestine traffic carried out from Gibraltar if we recall that the annual imports of American tobacco by Gibraltar - with its population of 25,000 - is 5,048,767 dollars, whereas the whole of Spain, with 32 million inhabitants, imports no more than 4,779,227 dollars' worth, and Germany, with 55 million inhabitants, imports only 2,520,183 dollars' worth.

Quite clearly this exaggerated importation of tobacco is made for the sole purpose of smuggling it into Spain. As a further testimony to its existence, our Ministry of Foreign Affairs is in possession of samples of sixteen brands of tobacco with labels printed in Spanish - brands which were in circulation at a time when those really manufactured in Spain were far fewer.

The fact is that smuggling has been a logical outcome of the unnatural character of the human assemblage that resides at Gibraltar. Since it has not been capable of creating its own labour force, and the civilian and military posts of the Base were filled, this floating collectivity, with no economic basis of its own and no definite range of professions, has drifted into illicit trade with Spain in order to enrich itself.

h) Interdependence and inequality.

But at the same time the inhabitants of Gibraltar

have inevitably had to fit into their natural economic background, namely the neighbouring economy of Spain. The voids created by Gibraltar as a Base have had to be filled up somehow or other, and in addition to illegal trade, an economic interdependence has arisen between Gibraltar and its Campo or hinterland.

As a result of this, many inhabitants of Gibraltar established their residences in the Campo or other neighbouring parts of Spain - thus evading taxation by both countries -, acquired urban properties - there are 500 houses registered in their names in the Campo Zone - in addition to numerous rural estates which they entered in the names of third parties so as to escape fiscal obligations; and they also set up, in Spanish territory, prosperous businesses of hotel-keeping, transport, etc., thus creating an important current of outlet for Gibraltar into Spain, for economic reasons which redounded to their own profit. Meanwhile, no similar Spanish current into Gibraltar could ever be created, because the British laws - the 1873 Order in Council, the "Immigrants and Aliens Order" of 1885 or the "Gibraltarian Status Ordinance" of 1962 - at all times prohibited residence on the Rock by Spaniards, who were only authorized, during all those years, to enter Gibraltar every day, for the mere purpose of working in the service of the British fortress.

Again, Gibraltar's daily supplies, whether foodstuffs or building materials, have been dependent on the products of

Spain, and in this respect the Spanish statistics show very considerable figures; they prove that the Rock is part of a social and economic continuum which is naturally much larger than the perimeter of the Base and is the latter's real living space. A single fact is enough to prove this argument, clear as it is: in the town of Gibraltar, in 1964, there were 6,869 vehicles licensed to be driven on the roads (Gibraltar, 1964, Report of the Year). Clearly these vehicles are not used merely to carry Gibraltarians around the two square miles of the Rock and along its $12\frac{1}{2}$ miles of roads and streets.

All that we have said about the economic complex of Gibraltar prove that its sole lawful and natural basis is Spain. This has also been recognized by the Manchester Guardian of May 11th 1950, when it stated, in referring to the economy of Gibraltar, that "the sole practical solution is to regard the surrounding area and Gibraltar as one economic unit". This undeniable fact makes it necessary to renovate completely such an economy, which has hitherto been nothing but a dead weight on Anglo-Spanish relations.

National sentiments

We said earlier that Gibraltar was not only a set of problems for Great Britain but also the "proud fortress" symbolizing a past which still stirs the British soul. But it must also be said that Gibraltar is equally the symbol of a

"proud nation", namely Spain, who has never really accepted the present situation and who likewise has her own Gibraltarian tradition - the history of an outcry that has never ceased, against what she regards as an historical wrong.

Spain is unanimous.

A contrast.

Concerning this sentiment, Spanish opinion has been totally unanimous. Spaniards of every political ideology and every social class have always coincided in a reclamation which, in the course of 262 years, has taken the form of three military sieges, thousands of combatants killed, innumerable diplomatic approaches, numerous conversations between statesmen, six attempts at exchange, and a vast, unanimous bibliography, which is the most important moral force behind the Spanish Government at the moment of these conversations. Perhaps British readers may find special significance and effectiveness in some words written by Salvador de Madariaga, who was then the representative of Spain at the League of Nations, in a Report to the Spanish Minister of State. The document is on the files of our Ministry of Foreign Affairs. When referring to a conversation he had with Mr Anthony Eden (as he then was), Señor Madariaga states that he dealt "once more with the matter of the occupation of a territory so obviously national as Gibraltar, reminding him that this was not an island of more

or less debatable nationality such as Malta, but a piece of unquestionably Spanish national territory, a unique case in European geography". This Spanish unanimity, which emphasizes that the problem is permanently alive, contrasts with the fact that, like a sort of counterpoint, there have always been, on the British side, free and open minds which have been capable of comprehending the Spaniards' feelings and thereby bringing out the injustice of the situation. More than a century ago, a man so incapable of disloyalty and so well acquainted with the facts as the British Governor of Gibraltar, Sir Robert Gardiner, used these words:

"What must be the feelings of every Spaniard, with this noble Rock for ever in view, occupied by strangers? Our own feelings, as we reach the deep shade of its high summit, in returning from our daily course into Spain, teaches us what those of a Spaniard must be."

A few years later an eminent British statesman, John Bright, actually proposed in a speech that Gibraltar should be ceded to Spain, and declared that the Rock had been captured by Great Britain when she was not at war with Spain and "retained against every law of morality and honour" ("The war and the supply of cotton", Birmingham, 18 December 1862, "Speeches on questions of public policy").

In our own day the eminent British historian, Sir Charles Petrie, who has written pages showing a great understanding

of the Gibraltar problem, has recognized that "British occupation of Gibraltar has been a running sore for Spaniards ever since its original seizure". (Introduction to the book "Gibraltar" by José Pla; Hollis and Carter, London, 1955). The same has been recognized by a historian of the prestige of Arnold Toynbee, whom we have already quoted, and even by a British Member of Parliament, Mr Wyatt, who stated in the House of Commons on December 20th 1961, with remarkable frankness: "I think General Franco has a perfect right to claim Gibraltar, but I hope that we are strong enough to resist him."

And even the compilers of the "Encyclopaedia Britannica", in its 1879 edition, when speaking of the occupation of Gibraltar by British troops, had written:

"It is hardly to the honour of England that it was unprincipled enough to sanction and ratify the occupation".

We have examined the accumulation of military demographic and economic processes which have originated and developed from Gibraltar and the effects of all kinds that they have had on Spain. They are the inevitable result of the alien enclave of the Rock, and they all imperiously demand a radical solution without loss of time. That is why we are here: to negotiate about them; and any objective examination of the problem must necessarily take into account this unanimity of Spanish feelings on the claim to Gibraltar.

The Second Gibraltar:

a) The British occupation
of the isthmus

But there is one very grave problem that is not in itself a logical outcome of the Gibraltar enclave, and concerning which the only thing to be done is to restore the situation immediately to its original terms. I refer to the British advance on the Isthmus of Gibraltar, to the north of the fortifications that enclosed the Town in 1704, and hence outside the limits conceded to England in the Treaty of Utrecht. This has been a pure and simple British invasion of Spanish territory which, although militarily neutralized by the free decision of Spain, was and still is, entirely Spanish sovereign territory, and in which Great Britain has built the present airfield of Gibraltar. The Treaty of Utrecht can give legal grounds for a British presence which has proved, in essence, a usurpation and has moreover evolved through so many violations of its original legal intentions that it makes these conversations indispensable today; but what the Treaty can most certainly not justify is the occupation and utilization, by the abusive employment of force, of Spanish territory outside that which was ceded at Utrecht. Upon this point there cannot be any shadow of doubt; neither is it possible to plead any right of prescription to consolidate a permanently illegal situation, and I will say why. In addition to prescription being a debatable and vague institution, both in

judicial decisions and in doctrine - which I will not go into here, though I admit I am tempted to do so in my capacity as a Professor of International Law -, in addition to that, I say, the following is evident, even to those who accept prescription: in order that prescription may produce legal effects it is necessary to take into account the behaviour of both the interested parties; in other words, the indifference or tacit abandonment on the part of one side, and the occupation as owner on the part of the other. And that is something that has certainly not occurred here. The Spanish Government has continually declared that its acts of tolerance did not imply any extension of the concessions made in the Treaty of Utrecht, and the Government of Great Britain has repeatedly assured it that in their actions there was no intention of altering the "status quo ante". Consequently it is not possible to speak of any legitimization of the British presence in part of the neutral ground, by reason of the long series of Spanish protests and refusals which have been made uninterruptedly from 1713 down to the present day. These are presented, with documents, in the Spanish "Red Book", and they incontrovertibly prove Spain's unchanging attitude of not ceding her rights in a zone belonging to her exclusive sovereign competence.

In short, to apply to our case the words of a former legal advisor to the Foreign Office, Sir Gerald Fitzmaurice, in his lectures at The Hague Academy of International Law (Recueil des

Cours, 92-1957, II, 146): "such acts, far from conferring title, are merely violations of another State's sovereignty and are simply attempts at an illegal usurpation of title". The same holds good for the British expansion over some waters in Algeciras Bay which are waters coming under unquestionable Spanish competence, and in which there is no alternative to a strict respect for that competence.

The Spanish "Red Book" of 1965 describes the pretexts which were employed by Great Britain in order to advance 850 metres in a straight line northwards, occupying roughly a square kilometre of Spanish sovereign territory in the isthmus. Great Britain used every means, from the deceit by which she blew up the Spanish forts facing the Rock, to the humanitarian motives put forward on the occasion of epidemics in the Town, to continue advancing her positions and encampments, interspersed with absurd discussions about the position of sentry-boxes, and crowning her illegal encroachment by erecting the so-called fence which was set up in 1909 and which, like another "wall of shame", separates Spain from a piece of her own territory.

b) An emergency

airfield.

The construction, already mentioned, of the Gibraltar aerodrome within that territory, has military implications which

aggravate an invasion that was of itself inadmissible. In 1939, a year after the airfield was constructed during Spain's difficult moments of the civil war, the British Government, replying to the Spanish protests, said that it was merely a question of "an emergency landing ground" (Memorandum of the Foreign Office, attached to the dispatch of the Spanish Ambassador in London of May 17th 1939). But this "emergency landing ground" was consolidated, and became a key piece in British strategy, a point of support for the Allied military machine in the Second World War, and finally - if not juridically, at least in fact - a very important element, like the Base as a whole, in the structure of NATO, a fact which has obliged Spain to take the measures about overflights to which we have already referred. Captain Alan Hillgarth, who was the British Naval Attaché at Madrid during the war and who was specially praised by Winston Churchill in his Memoirs ("Their Finest Hour") for his "profound knowledge of Spanish Affairs", in a letter on the subject of this airfield to the Daily Telegraph of April 28th 1955, wrote among other things: "The airstrip is on the so-called neutral ground, which strict observance of the spirit of the treaties should logically have left inviolate. The extension into Algeciras Bay is so directed that it infringes on water which is not even neutral but definitely Spanish." In the same letter, realizing the precarious character of Gibraltar

because of modern conditions and through its own development and enlargements, Capt. Hillgarth emphasized its vulnerability, saying: "Gibraltar itself is only feasible as a modern base with Spanish consent.

The port and airstrip are completely vulnerable."

c) The seriousness
of a frontier problem.

The advance up the Isthmus is a genuine "frontier question", with all the gravity that such questions imply. It is one on which Spain cannot give way, and which in itself alone would justify international action. Frontiers are either zones of collaboration and friendship under a legal order, or else zones of violence; and in Gibraltar, Spain cannot accept anything that is not either a free agreement between the parties or a removal of the present British line back to its original position.

It is also necessary to repeat here that any measure which Spain may take in this respect, or in any other of the matters that constitute the problem of Gibraltar, cannot in any way be described as a policy of aggression or a measure of retort. Any such measure will be merely a return to normality, that is to say, to the existing norm, to the legal position from which Gibraltar has been steadily departing throughout the years. It will be the redress of a situation damaged by the British violations of the Treaty of Utrecht and by the unnatural-not to say pathological-

evolution of Gibraltar. For if the Treaty of Utrecht is a legal instrument that needs renovation, its 10th Article is fully in force, and in addition to certain rights, it lays down certain obligations which must also be complied with. It would be senseless that Article 10 should have a one-way validity only, that is to say, to justify the British presence at Gibraltar, but should be invalid in the other sense, namely that of the limitation it imposes, and the Spanish rights and interests it expressly protects. This would be a legal monstrosity which Spain cannot accept.

Here, then, in broad lines, expressed bluntly but sincerely is the problem of Gibraltar as seen through Spanish eyes. It is not a fictitious problem but a real one; it is not the reclamation of a political regime, but the demand of an entire people. Neither Great Britain nor Spain could ignore or evade it any longer, and that is why we are here today.

Firmness and

Friendship.

As I said in my speech of December 20th 1965 to the Spanish Cortes, Spain approaches this problem in a firm and friendly spirit. We know we have behind us a unanimous people and we are also encouraged by world public opinion, eloquently

expressed by the United Nations. But we who are here today represent two great European peoples, experienced and mature, who may sometimes have been rivals because of that very greatness; but who are bound also by many old friendships, and who belong to the same historic community. We would be betraying our present mission if we were not capable of putting aside any psychological obstacle or ideological prejudice standing in the way of a friendly and peaceful understanding. Let us not delay, let us not invent artificial pretexts such as supposedly incompatible political systems; for such distinctions are usually as unprofitable as in the case of the Spanish politician Sagasta, who on the advent of the I Republic naively attempted to get the British to give Gibraltar back to Spain saying that there no longer existed the obstacle of the Spanish Monarchy, and that the country was now "Bourbonless Spain".

Let us not waste our time when the question is so clear. The opportunity beckons because of many factors: not only an elementary sense of political usefulness, but also the possibility of strengthening Gibraltar's position with the full weight of Spanish friendship and with an area of cooperation that would be of fundamental importance for Europe; we can also think of our evergrowing commercial relations as a symbol of what our general relationship might be if we removed all the existing obstacles.

Some eloquent
trade-figures.

I wish to remark at this point that while Great Britain has been our principal client over many years, although Germany has now gone ahead, Spain is also an important market for Great Britain. According to figures given in the Official British publication "Overseas Trade Accounts of the United Kingdom" (December 1965), British exports to Spain were £96.314,000 in 1965, an increase of 300 per cent since 1952, the increase having been constant, from £24,341,254, in 1952 to £40,511,000 in 1961, with a further increase as mentioned up to 1965. On the other hand, Spanish exports to Great Britain reached £74,021,000 which gives a favourable balance to British exports of £22,293.000.

Spain is hopeful that Great Britain, whose political talent and genius has enabled her to liquidate so many colonial situations, facing problems even more complicated than this one, - even through the trials of war - may also avoid what Salisbury called: "the commonest error in politics: sticking to the carcasses of dead policies". We hope that the British Government, with its clarity of vision, will be guided by the words of the Prime Minister Mr Harold Wilson in his book "Purpose in politics" (Weidenfeld and Nicholson. 1964, pag 7):

"I believe we are on the eve of a new greatness for Britain, a greatness based not on military oppression or the ability to mount a colonial expedition, not on economic imperialism or colonialism, but on a contribution we have it in our unique power to make to the peace and happiness of mankind. A contribution based not on separatism, or nationalism, or on out - dated concepts of sovereignty, but on leadership in an inter - dependent world."

When we think of this problem of Gibraltar which is in essence so easy to solve, we expect a gesture of understanding or the part of Great Britain. We for our own part are ready to meet her half-way, in a spirit of generosity which we are prepared to carry through to its maximum limit.

Spanish offers

In view of these hopes and intentions, the Spanish Government realises that there is only one definite solution the Gibraltar problem: The one recommended by the resolution of the United Nations, and made necessary by the true present situation of Gibraltar which we have described.

The Consensus of the Committee of Twenty-four noted the existence of a dispute between Spain and the United

Kingdom over the status and situation of the territory of Gibraltar, and clearly defined, as we have seen, the two key factors of the colonial problem of Gibraltar. On the one hand, the administering power, Great Britain, and on the other, the nation colonized on a part of its territory: Spain. The Committee entrusted to these two countries the authentic decolonization of the Rock, and they were to bear in mind the interests of the inhabitants of the territory; for though the Committee did not recognize them as a people legally endowed with the right to self-determination, neither did it want to make them the exclusive victims of this final colonial phase. Spain shares these wishes; she wants to avoid the consequences for them of a persistent colonialism which would oblige our country to take self-protective measures.

The United Nations decided in favour of a negotiation between the colonized nation and the colonizing power, and at the same time pointed out the way for a rightful solution of the problem: To apply to it the Declaration on the granting of independence to colonial nations and peoples, contained in Resolution 1514 approved by the XV General Assembly.

The United Nations have denied self-determination to the inhabitants of the Rock; Spain does not admit the possibility that these inhabitants should have at their disposal a piece of Spanish territory; the British Government is aware that the Gibraltarians lack a sufficient political entity to enable them to take part in these negotiations, as admitted in the House of Commons

by the Colonial Secretary on May 5th. Therefore, the only principle applicable to the Colonial situation of Gibraltar is paragraph 6 of the aforementioned Resolution 1514 (XV) which says literally:

"6. Any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations."

Certain countries in the Committee of Twenty-four laid stress on the need to apply this paragraph; they were Uruguay, Venezuela, Syria, Tunis, Mali and Irak, and only the representative of Australia, a Commonwealth country, expressed some doubts; his stand in the United Nations was that the Gibraltarians were the exclusive masters of their future, a position far in advance of what the Gibraltarians themselves want or Great Britain is prepared to grant them.

The United Nations therefore recommend the restoration of the national unity and territorial integrity of Spain as a means to ensure the end of the Colonial problem on our soil. This also is what Spain asks for: The cancellation through cordial and sincere negotiations with Great Britain of Article 10 of the Treaty of Utrecht of July 17th 1913 by which our national unity was disrupted and our territory amputated.

a) A present-dayBase.

Spain upholds this solution not merely as a territorial claim which would objectively, in its own right, be worthy of taking into account. Present-day Gibraltar, as we have seen, must necessarily violate the Spanish military and economic space in a thousand different ways: because otherwise it would suffocate. Even with the best will in the world, Great Britain, though she alone is responsible for what happens on the Rock, cannot avoid the consequences - however foreseeable - of having an active military and economic stronghold set in the midst of the Spanish national community. But Spain is the exclusive victim of these consequences; so she cannot take into consideration any guarantee that Gibraltar will not develop in a manner harmful to Spain, because she knows by experience that the British Government has never been able to make such a guarantee effective to the full satisfaction of my country.

Any other formula for Gibraltar that ignores these facts could only be successful with a completely passive Government resigned to have on Spanish soil a foreign sovereign power with a say in Spain's destiny which could subvert Spanish sovereignty not only on the Rock but in the country as a whole. In 262 years there has been no Spanish Government willing to accept this situation, and I dare to prophesy that there will never be. Either through weakness or through the stress of circumstances, there

have been silent Governments or Governments disposed only to put a momentary brake on the national aspirations. But these have never been renounced to; not by any regime, nor by any sector whatsoever of Spanish politics.

Nor could a shared sovereignty be considered a fair and rightful solution, because it would leave in the hands of the Gibraltarians a control of Anglo-Spanish relations. Stern economic needs would oblige the future inhabitants of the Rock, uncertain as to where their allegiance lay, to try and keep Spain and the United Kingdom in a state of permanent rivalry, a situation which would not be improved by the probable efforts of other Powers who might think it in their interest to prevent the development of a sincere and lasting friendship between London and Madrid.

I must repeat that the British sovereignty over a piece of our territory is based on the status of Gibraltar, established bilaterally by Spain and Great Britain in Article 10 of the Treaty of Utrecht of 1713, as was admitted by the British Delegation to the Committee of Twenty-four and in the IV Commission of the XX General Assembly, when they made "status" and "sovereignty" synonymous in their addresses of September 11th 1963, September 23rd and October 16th, 1964 and November 16th, December 1st and 7th, 1965.

The United Nations have invited Spain and the United Kingdom to put an end to the dispute about the status

of Gibraltar which is by now anachronistic, as the Prime Minister, Mr Wilson, quite rightly pointed out in the House of Commons on April 29th 1966. My country therefore considers that the moment has come to cancel article 10 of the Treaty of Utrecht through friendly and sincere negotiations, as this article is the basis of an old-fashioned idea of sovereignty which has given rise to the colonial situation of Gibraltar. Our territorial integrity and National unity will thus be restored and the old and bitter quarrel which divides us will be at last surmounted.

I think that this opportunity now presented to us of being, so to speak, taken by the hand by the United Nations should not be cast aside. We hope that Great Britain will not give an example, which is all too easy to follow, of disregarding or misapplying the Recommendation of the United Nations.

We understand perfectly that in considering this solution there arises also a vital interest for the United Kingdom: the need to meet military undertakings that in modern times - it is only proper for us to admit it - are rather the results of your country's cooperation in a common defensive effort, than of a selfish imperialism that would now be irrelevant. Although during the debates of the Committee of Twenty-four various members of the United Nations have cast doubts on the legitimacy of Great Britain's military interests in Gibraltar, the Spanish Government considers that they ought to be taken into account, and is prepared to give them formal recognition.

Such a recognition would not contradict the Charter of the United Nations, that admits the possibility of Agreements in benefit of a common security when their aim is to maintain peace in specific areas of the world.

In the consideration given by the United Nations to the decolonization of Gibraltar, both the Consensus of the Committee of Twenty-four and the General Assembly Resolution that ratifies it, provide freedom of action for Spain and the United Kingdom to agree on the best manner of protecting and coordinating these military interests.

The Declaration of the British Government of 1966 on the Military Budgets says briefly that "the garrison, the Arsenal and other establishments" will be maintained in Gibraltar.

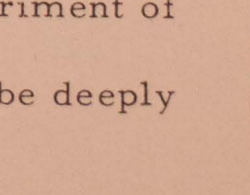
It would not be difficult for Spain to agree to the continuation in Gibraltar of the defensive military establishment. However, if this British military effort in Spain were to remain disconnected from the common defensive background, this would be in contradiction of the ideas in the White Book on Defense: for you would then have a very expensive and inefficient Base, a sort of old-fashioned bastion at the service of purposes to which the British Government says it has renounced for ever.

It would seem advisable to think of this matter courageously and decisively in up-to-date terms and to consider

a wider form of cooperation between our two countries, for which we find a good example in the Spanish-American Bases jointly utilized, which resulted from the Agreement signed between Spain and the United States in 1953 and which over the years have shown their soundness and efficiency.

It is not for nothing that the Iberian Peninsula has such an essential role in the security of the Strait of Gibraltar. These few names: Gibraltar and Rota in Spain, Alverca and Beja in Portugal, are the real coordinates of a strategy extensively covering the entry to the Mediterranean, which is needful of Spanish air space, which is perhaps the most useful training ground for the air forces of the Western world in Europe, but which cannot be used without the cooperation of Spain, a cooperation which it will be logically difficult to provide while the present arbitrary situation of Gibraltar continues.

These realities of the situation, which transcend the specific problem of Gibraltar and to a certain extent leave it on a secondary plane in the light of the present international scene, are not ignored by the Spanish Government. But the Spanish Government is not prepared to accept risks without the corresponding benefits, merely to satisfy the selfishness of others and to the detriment of Spanish security. These are matters which deserve to be deeply considered at a later and proper moment.



b) International guarantees
for the inhabitants.

In considering the fair solution to the problem which the United Nations exclusively recommends and which meets the facts of the case, and which, as we have seen, naturally implies the need to cancel Article 10 of the Treaty of Utrecht, a second element arises which the United Nations has also advised us to protect and respect: the interests of the present inhabitants of the territory.

From an economic point of view it is obvious that they are closely bound to Spain. All the efforts carried out since last year to create in Gibraltar an "island economy" independent of the Spanish economy, have so far failed, and they can only succeed through massive financial grants to the Rock, deriving entirely from the British Budget. If my country does not contribute to achieving a high standard of living for the Rock - and this she cannot do if we do not reach an Anglo-Spanish understanding - the high standard of living will either be paid for in good measure by the British tax payer, or will have to be considerably reduced. Lord Merrivale on March 9th 1966, quoted some figures in the House of Lords to explain the losses suffered by the economy of Gibraltar through some Spanish measures which consisted merely in cancelling certain facilities which had been a profitable boon for smugglers. The figures he quoted were sufficiently explicit to realize that an economic regime independent of Spain offers

very scarce possibilities to the inhabitants of the Rock.

From a demographic point of view, only Spain can offer the Gibraltarians a normal area of expansion, which they lack on the Rock, unless they prefer to set themselves a population limit.

Individually the inhabitants are linked to the British Crown by their British nationality and its legal consequences.

It is very difficult for Spain to define "a priori" what are the interests of the inhabitants of the Rock which we must take into account in this negotiation. To judge by the statements of their representatives to the Committee of Twenty-four, and by many other statements made during 1965 and the present year, one obtains the impression that they wish to maintain a close association with the United Kingdom, in whom it appears that they see the only guarantee for some interests which they have never really defined publicly with the necessary clarity or precision. But at the same time, from their petition to the British Government; from their statements in the United Nations to which we have referred; and from others in the international Press, it can be clearly deduced that the inhabitants of the Rock also wish to maintain close links with Spain, although they have accused her recently of creating economic and other difficulties, and of destroying the interdependence between the

Rock and adjoining territory; an interdependence which, we should add, has so far developed only to the detriment of the Spanish economy and sovereignty.

It is very difficult, we repeat, to try and define at this stage of the negotiations the true interests of the present inhabitants of the Rock. No one better than the inhabitants themselves could explain their needs to Spain through the British Government that represents them, once they are convinced that the possible solution to the problem of Gibraltar is at the same time the only one which offers them a guarantee for the future.

In so far as my country is concerned, it is enough to say that, except for the right to have at her disposal a piece of her own territory, Spain is prepared to consider the most generous formulae for establishing the most adequate legal regime for the defense of the interests of the inhabitants as indicated by the United Nations; this legal regime would be fully guaranteed by an Anglo-Spanish Convention registered in the United Nations according to Article 102 of the Charter, the enactment of which would therefore be protected by the United Nations.

This Convention would establish a Personal Statute, in which, in addition to other basic rights - such as freedom of religion - the British nationality of the present inhabitants of Gibraltar would be respected, and their right of residence be guaranteed, as also the free exercise of their lawful activities, and

their permanence in their place of work. Also, Spain is prepared to grant a special Charter to Gibraltar that will integrate the interests of the present inhabitants with those of the rest of the Campo, by means of an administrative organization and an economic and financial system based on a Free Port regime, which would give rise to a considerable development of the whole region through its cooperation with the neighbouring territory.

c) A healthy and
developing economy.

We are making our proposal, not only because we wish to meet the requirements of the United Nations and to do this as generously as possible, but also because the Spanish Government has the firm intention of associating Gibraltar to the great enterprise, which has already begun, of developing economically the whole zone of the Campo; of restoring its unity and making it in a short time a rich and flourishing region, which will have as its centre a great city in the Bay of Algeciras, that is to link up the dispersed urban centres of Gibraltar, La Línea, San Roque, Los Barrios and Algeciras.

No matter whether Gibraltar becomes integrated with this vast urban complex or whether the Rock becomes definitely isolated, Spain has in any case engaged herself on this project on her honour, and she will carry it out.

For if on the one hand Great Britain has obligations towards the present inhabitants of the Rock, Spain also has very serious obligations towards the inhabitants of the Campo de Gibraltar and especially of La Linea and San Roque. We have to fill in the deplorable economic vacuum that surrounded the Rock in former times, the "glacis" of Gibraltar, the depressed area which was nothing but a passive labour market for the Base.

We must substitute all this with a prosperous region in one of the crucial zones of the Mediterranean. San Roque, where live the descendants of the old Spanish population of the Rock, who have been gazing for two and a half centuries at their lost homes; La Línea, the humble camp of a community of daily exiles, of pariahs at the service of an old-fashioned capitalist regime: these townships, like the rest of the Campo, deserve a historic compensation. Many things have changed in the region of Gibraltar, and one of them is the Spanish resolve to find a permanent remedy for a colonial situation, and to give a region - whose situation should have made it one of the most flourishing in modern Spain, - the position and wealth that it never attained because it was a victim of one of those imperialist situations which Mr Wilson mentioned in the quotation we have referred to.

We have described with full clarity from the beginning the factors that must be taken into consideration for the only possible solution that can be given to the problem of

Gibraltar, and have avoided for this negotiation the classical gambits of diplomatic bargaining and compromise. Precisely because we are dealing with such serious matters as the integrity of Spain, the military security of the free world and the interests of human beings who should not be made to pay for situations that they have no power to remedy, it seems to us that any bargaining over the principles of the solution should in all honesty be excluded.

d) Formal proposal.

In view of all these considerations, Spain proposes to the Government of Great Britain that a Convention should be signed, the First Article of which should contain the cancellation of Article 10 of the Treaty of Utrecht of 1713 and the restoration of the national unity and territorial integrity of Spain through the reversion of Gibraltar, thus complying with the mandate of the United Nations.

In the Second Article my Country would accept the presence at Gibraltar of a British Military Base whose structure, legal situation, and coordination with the defense organization of Spain or the Free World would be the subject of a negotiation for a especial Agreement to be attached to the Convention we are proposing.

Spain proposes a Third Article stipulating that a legal regime to protect the interests of the present citizens of Gibraltar should be the subject of an additional Anglo-Spanish agreement

registered in the United Nations, as has been stated. In this agreement, in addition to the appropriate economic and administrative formulae, a Personal Statute would be established, by which, among other fundamental rights - such as freedom of religion - the British nationality of the present inhabitants of Gibraltar would be respected, and their right of residence would be guaranteed, as also the free exercise of their lawful activities, and a guarantee of permanence in their place of work.

Finally in a Fourth Article, it would be specified that this Convention will be effective after the two additional agreements to which reference has been made in the Second and Third Articles, shall have been signed and registered in the United Nations.

Thus, the peace of the world will be reinforced, with the commencement of a new era in Anglo-Spanish relations.